

Rep. Peter Welch (D-Vt.) on Tuesday called on the chairman of the House Committee on Oversight and Government Reform to withdraw his request for government agencies to disclose sensitive data relating to Freedom of Information Act (FOIA) requests.

In a letter to Chairman Darrell Issa (R-Calif.), Welch said that requiring agencies to disclose the identities of those filing FOIA requests and the content thereof would have a chilling effect on accountability and transparency.

"Requiring federal agencies to provide FOIA requests and identities of every person, non-profit and corporation lawfully exercising their rights will hinder – not help – accountability and transparency," Welch wrote. "It will impose unproductive burdens on agencies, incur unnecessary expense on taxpayers, and blow a cold, chilling wind on citizens' FOIA requests."

Welch wrote Issa in response to a letter the Chairman sent federal agency heads late last month, in which he asks for files containing the names of those who lodge FOIA requests, the date of their request and a description. In the case of FOIA requests that have been delayed for more than 45 days, Issa asks for all communications between the requester and the federal government.

Rather than enhancing the FOIA process, Welch said, Issa's directive would overly burden federal agencies and the committee, while detracting from government transparency.

"The Committee on Oversight and Government Reform has two fundamental responsibilities: to ensure that the governmental agencies that serve the American people are both accountable and transparent," Welch wrote. "Your recent letter to all governmental agencies demanding Freedom of Information Act (FOIA) information will further neither responsibility and undermine both."

Welch's letter follows-up on a letter sent last week by Oversight and Government Reform Committee Ranking Member Elijah Cummings (D-Md.), Subcommittee Chairman Gerry Connolly (D-Va.) and Welch.

In his letter, Welch wrote, "To paraphrase the Viper car alarm, Mr. Chairman, please step away from the lawful use of the Freedom of Information Act."

The letter is copied below:

Tuesday, February 8, 2011

Dear Chairman Issa,

The Committee on Oversight and Government Reform has two fundamental responsibilities: to ensure that the governmental agencies that serve the American people are both accountable and transparent.

Your recent letter to all governmental agencies demanding Freedom of Information Act (FOIA) information will further neither responsibility and undermine both.

Requiring federal agencies to provide FOIA requests and identities of every person, non-profit and corporation lawfully exercising their rights will hinder – not help – accountability and transparency. It will impose unproductive burdens on agencies, incur unnecessary expense on taxpayers, and blow a cold, chilling wind on citizens' FOIA requests.

First, on a practical level, this overbroad request will encumber every agency with a work-stopping diversion and consume thousands of hours to comply — all at great taxpayer expense. This could easily be averted with a more targeted request.

Second, also on a practical level, a more focused request will save committee time, allowing it to concentrate on selective review of matters of priority, rather than burying committee staff under the weight of a massive data dump.

Third, and most importantly, the request that agencies identify all individuals, non-profits and corporations making completely lawful FOIA requests for information that should be in the public domain will be a chilling rebuke to the free exercise of that right.

What business is it of this committee to obtain the identity of American citizens exercising their statutory rights?

To paraphrase the Viper car alarm, Mr. Chairman, please step away from the lawful use of the Freedom of Information Act.

Sincerely,

PETER WELCH
Member of Congress